

INCREASING THE FEE OF JURORS IN CONDEMNATION PROCEEDINGS INSTITUTED BY THE DISTRICT OF COLUMBIA

JULY 19, 1951.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. HARRIS, from the Committee on the District of Columbia,
submitted the following

REPORT

[To accompany S. 488]

The Committee on the District of Columbia, to whom was referred the bill (S. 488) to increase the fee of jurors in condemnation proceedings instituted by the District of Columbia, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of this legislation is outlined in the letter of the Commissioners of the District of Columbia to the Speaker of the House of Representatives under date of October 10, 1950.

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
Washington 4, D. C.

The SPEAKER, UNITED STATES HOUSE OF REPRESENTATIVES,
Washington 25, D. C.

MY DEAR MR. SPEAKER: The Commissioners of the District of Columbia have the honor to submit to you herewith a draft of a proposed bill to increase the fee of jurors in condemnation proceedings instituted by the District of Columbia.

The purpose of this bill is to increase the compensation for jurors in condemnation cases brought by the District Government from \$5 to \$10 per day.

At the present time cases where land is condemned for major streets each juror receives compensation in accordance with the provisions of section 7-213 of the District of Columbia Code, 1940 edition, which provides as follows:

"Each juror shall receive as compensation for his services the sum of five dollars per day for every day necessarily employed in the performance of the duties herein prescribed (Apr. 30, 1906, 34 Stat. 153, ch. 2070, sec. 491L)."

In District of Columbia condemnation cases involving alleys and minor streets each juror receives compensation in accordance with the provisions of section 7-322 of the District of Columbia Code, 1940 edition, which provides as follows:

"Each juror shall receive a compensation the sum of five dollars per day for his services during the time he shall be actually engaged in such services under the provisions hereof (Mar. 3, 1901, 31 Stat. 1430, ch. 854, sec. 1609; June 30, 1902, 32 Stat. 545, ch. 1329; Feb. 23, 1905, 33 Stat. 736, ch. 734)."

It will be noted that the foregoing laws became effective on April 30, 1906, and February 23, 1905. In 1906 petit and grand jurors were paid in accordance with the act of Congress approved June 21, 1902, reading as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after the passage of this Act per diem pay of each juror, grand or petit, in any court of the United States, shall be three dollars a day instead of two dollars."

The fee for jurors in District of Columbia eminent domain cases has been \$5 per day since April 30, 1906.

The act of Congress approved July 14, 1949 (Public Law 168, 81st Cong.), now provides a fee of \$7 per day for petit and grand jurors in United States courts. This act reads in part as follows:

"The second, third, and fourth paragraphs of section 1871 of title 28 of the United States Code, entitled 'Judiciary and Judicial Procedures', are hereby amended to read as follows:

"For actual attendance at the place of trial or hearing and for the time necessarily occupied in going to and from such place at the beginning and end of such service or at any time during the same, \$7 per day, except that any juror required to attend more than thirty days in hearing one case may be paid in the discretion and upon the certification of the trial judge a per diem fee not exceeding \$10 for each day in excess of thirty days he is required to hear such case."

Under date of June 8, 1950, the Assistant Attorney General of the Department of Justice advised as follows:

"It is my understanding that for many years it has been the practice to pay jurors serving in condemnation proceedings instituted for the acquisition of lands for use by the Federal Government fees at the rate of \$10 per day. Fees of jurors in Federal condemnation cases are payable from appropriations under the control of the Attorney General. Payment of such fees is made in an amount considered to be fair and reasonable in view of the nature of the services performed and the caliber of the persons serving as jurors in such cases. Under existing law, condemnation jurors must have not only the qualifications of regular jurors but in addition must be freeholders and, accordingly, such jurors are selected from a special jury panel. It has been the practice, therefore, to pay a higher fee than is paid to regular jurors."

From the foregoing statutes it will be seen that in 1906 the Congress believed that a juror in a District condemnation case should receive a higher fee (\$5) than a petit or grand juror in the United States court (\$3). At the present time the Congress has seen fit to pay petit and grand jurors in United States courts the sum of \$7 per day. It is the view of the Commissioners that the present fee of \$5 for jurors in District condemnation cases is inadequate and should be increased to the amount of \$10 per day, which is \$3 in excess of the current fee for a petit or grand juror.

The Commissioners recommend the early enactment of this legislation.

The proposed draft of bill was submitted to the Bureau of the Budget and returned to the Commissioners with the advice that there is no objection on the part of that office to the presentation of the bill to Congress.

Respectfully,

JOHN RUSSELL YOUNG,
President, Board of Commissioners, District of Columbia.

CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

SECTION 7-213, DISTRICT OF COLUMBIA CODE

【Each juror shall receive as compensation for his services the sum of five dollars per day for every day necessarily employed in the performance of the duties herein prescribed.】

SECTION 7-322, DISTRICT OF COLUMBIA CODE

【That each juror shall receive as compensation the sum of five dollars per day for his services during the time he shall be actually engaged in such services under the provisions hereof.】



INVESTIGATING THE FACT OF JURORS

Section 7-218, Jurors or Courtiers Code

[That juror shall receive no compensation for his services the sum of five dollars per day for each day necessarily employed in the performance of the duties herein prescribed.]

Section 7-219, Jurors or Courtiers Code

[That each juror shall receive no compensation the sum of five dollars per day for his services during the time he shall be actually engaged in such services under the provisions herein.]

